



Department of Energy

Richland Field Office

P.O. Box 550

Richland, Washington 99352

9303936

5/12/93

93-RPS-208

Mr. George C. Hofer
Hanford Project Manager
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Mr. Roger F. Stanley, Director
Tri-Party Agreement Implementation
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

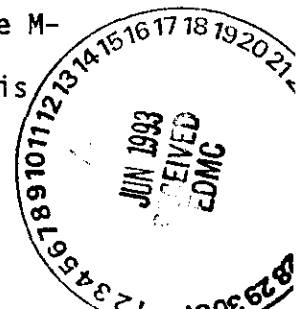
Dear Messrs. Hofer and Stanley:

COMPLETION OF INTERIM MILESTONE M-17-04D, STATEMENT OF DISPUTE

In accordance with the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), Article VIII, Paragraph 29, "Resolution of Disputes," and Section I.VII of Ecology Consent Order No. DE-91NM-177, the U.S. Department of Energy, Richland Operations Office (RL) disputes your determination in the April 21, 1993, letter from David Nylander of the State of Washington Department of Ecology (Ecology) to John Wagoner, RL, and Thomas Anderson, Westinghouse Hanford Company, that Interim Milestone M-17-04D of the Tri-Party Agreement and the milestone contained in Ecology's Consent Order, No. DE-91NM-177 were not completed.

RL contends that Milestone, M-17-04D, "Complete construction of 'B Plant Environmental Compliance Upgrades' (Project W-010H) by July 1992," was completed as required. What appears to be in question is the scope of Project W-010H. When originally scoped, Project W-010H would have provided, among other things, secondary containment for specific tanks in the 211-B area of B Plant. The major provisions of this project were outlined in Attachment V of Consent Order No. DE-91NM-177.

The need for this project and many other B Plant projects was re-evaluated after the decision was made to not use B Plant for pre-treatment of double-shell tank waste. The scope of Project W-010H was modified in May 1991. Several tanks were deleted from the project scope (i.e., secondary containment would not be provided by the project) because these tanks would not be needed for the future B Plant mission. It should be noted that the scope of the project was modified not only prior to the effective date of the Ecology Consent Order (November 20, 1991), and Tri-Party Agreement Change Package M-17-91-05A (August 31, 1992), but also prior to the commencement of negotiations on them. A further discussion of the chronology of events is provided as Enclosure (1).





CHRONOLOGY OF EVENTS FOR PROJECT W-010H
"B PLANT ENVIRONMENTAL COMPLIANCE UPGRADES"

The subject non-compliance notice involves the Functional Design Criteria (FDC) for Project W-010H and the description of the project included in Attachment V of the Ecology Consent Order. The FDC is the baseline document for a project such as W-010H and is the applicable document when discussing the scope of a project. A perfunctory description, such as the one in the Consent Order attachment, does not provide sufficient information to determine specifics of the project scope. The FDC change in question is documented in Engineering Change Notice (ECN) 141412 which removed nine tanks from the scope of the project.

The tanks were removed from this project when it was determined that the Double-Shell Tank waste pretreatment mission would not be performed at B Plant. It was determined that the tanks listed in the ECN were not required to support the future mission of B Plant and should not be included in Project W-010H. Specifically, the ECN changed the first sentence under the "Scope" section of the FDC to read "Provide secondary containment for the vertical and horizontal tanks in the 211-B area which are listed in Table 2 of this document and are to be used for the future mission of B Plant. Chemicals in the tanks, not required, are to be removed and disposed of by others." The underlined portions indicate the change from the original statement. The language in the second underlined sentence is project terminology that the indicated activity is not funded or scheduled or in any way part of the project.

The second change that the ECN implemented was to update Table 2 of the FDC by removing the tanks listed in the ECN. Tanks removed from the original scope of work include:

- TK-121
- TK-122
- TK-125
- TK-126
- TK-127
- TK-128
- TK-131
- TK-132
- TK-133

Note that TK-143, included in the list of descope tanks on page 2 of the referenced letter, is not listed on ECN 141412 and was provided with secondary containment. Although tanks TK-131 through TK-133 were included in the descope change they have existing secondary containment provided from a previous project.

The chronology of the change in scope of Project W-010H and the implementation of the Tri-Party Agreement M-17 and Ecology Consent Order milestones is important in demonstrating that the milestones were met. The chronology is as follows:

- o Decision made to not use B-Plant for pre-treatment.
- o April 23, 1991 - ECN 141412 and Change Request HEC-CCB-161 approved by WHC. The Change Request documents approval for programmatic changes to projects and programs. An ECN documents changes to engineering documentation.
- o May 1991 - ECN 141412 and Change Request HEC-CCB-161 approved by RL.
- o July 1991 - Ecology Consent Order D#-91NM-177 negotiations commenced.
- o July 1991 - Tri-Party Agreement negotiations commenced on change request M-17-91-05A.
- o December 1991 - Consent Order DE-91NM-177 signed.
- o September 1992 - Tri-Party Agreement M-17 milestones signed.

As demonstrated, the removal of the tanks from the scope of Project W-010H occurred prior to designation of this project as a Tri-Party Agreement M-17 or Ecology Consent Order milestone. Since the project was to implement spill control for product storage tanks and was not associated with these milestones at the time of change, there was no need to consult Ecology on the change in scope.

Milestone M-17-04D and the associated Consent Order milestone have been completed in a compliant manner as described in the applicable documentation at the time the milestones were put in place.

PROPOSED MODIFICATION OF CONSENT ORDER NUMBER DE 91NM-177

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY)
United States Department of Energy)
with Section 90.48 RCW and the)
Department of Ecology)

MODIFICATION OF
CONSENT ORDER
No. DE 91NM-177

To: United States Department of Energy
Richland Field Office
P.O. Box 550
Richland, WA 99352

I. MODIFICATION

In accordance with Section IV, Page 3, of the above referenced Consent Order, the parties agree to a modification which will revise a portion of the following section:

1. Revise Attachment V: Project W-010H "B Plant Environmental Compliance Upgrades", change the first bullet to read as follows:

Secondary containment for the vertical and horizontal tanks in the 211 Area of B Plant that are to be used for the future mission of B Plant.







All other terms and conditions contained in the Consent Order remain in full force and effect.

Dated this _____ day of _____, _____, at
Kennewick, Washington.

Dave Nylander
Office Manager
Washington State Department of Ecology

John D. Wagoner
Manager
U.S. Department of Energy

DISPOSITION SCHEDULE

ACTION	WORK SCOPE	SCHEDULE					
		2/93	4/93	6/93	8/93	10/93	12/93
Surplus HEDTA & EDTA	HEDTA & EDTA available to all Hanford operating Components and Contractors, other DOE sites, and to Federal and State Agencies.						
Sale of HEDTA & EDTA	If transfer is not successful HEDTA & EDTA will be offered for sale to the general public.						
Transfer ANN	4000 gal. of ANN to be physically transferred to PFP.						
Transfer ANN	11,200 gal. of ANN to be transferred to off-site vendor.						
Prepare for disposal	Prepare to dispose of all unsold ANN, HEDTA, & EDTA inventory.						
Final Disposal	All remaining inventory in the tanks that were descoped from project W-010H will be removed from the 211-B area of B Plant.						

B PLANT CHEMICAL DISPOSITION SCHEDULE

The following table details the type and quantity of chemical products currently stored in each of the nine tanks that were descoped from project W-010H. Transfer piping linking these tanks to areas outside of the 211-B area were disconnected in November 1991. The only remaining connections are those required for the removal of the remaining inventories. These connections will be blanked when the inventory removal is complete.

TANK NAME	TANK TYPE	CONTENTS	QUANTITY (GAL)	
TK-SF-121	Vertical	ANN ¹	7,600	NO BASIN
TK-SF-122	Vertical	ANN	7,600	
TK-SE-125	Vertical	EDTA ²	4,000	
TK-SE-126	Vertical	ANN	Empty	
TK-SE-127	Vertical	HEDTA ³	350	
TK-SE-128	Vertical	ANN	Empty	
TK-ST-131	Vertical	HEDTA	Empty	EXISTING BASIN
TK-ST-132	Vertical	HEDTA	560	
TK-ST-133	Vertical	HEDTA	3,400	

¹ Aluminum Nitrate nonahydrate

² Ethylenediaminetetraacetic acid

³ Hydroxyethyl-ethylenediaminetriacetic acid

B Plant has been pursuing the proper disposition of the inventory since the beginning of the fiscal year with initial efforts focussing on potential on-site redeployment of the chemical products. Plutonium Finishing Plant has notified B Plant that they are prepared to accept physical transfer of 4000 gallons of ANN. Additionally, the WHC Recycling group has arranged for an off-site vendor to purchase the remaining 11,200 gallon inventory of ANN.

Attempts at the on-site redeployment of the HEDTA and EDTA were unsuccessful. In January 1993 a Declaration of Excess for the HEDTA and EDTA inventory was completed and sent to the WHC Excess, Surplus Sales, and Shipping (ESSS) group. ESSS ensures that the surplus inventory is available for transfer to other Hanford operating components and contractors, to other DOE Sites, and to federal and state agencies. At the completion of the governmental agency screening cycle, ESSS will make the HEDTA and EDTA inventories available to the general public.

Beginning August 17, B Plant will prepare for the disposal of any unsold ANN, HEDTA, and EDTA inventories. This effort will ensure that all remaining surplus chemical inventories will be removed from the 211-B area of B Plant on or before November 17, 1993.

The following table outlines B Plant's schedule for the disposition of the remaining product inventories contained in the tanks that were descoped from project W-010H.

From: Wayne J Evelo at ~DOE5 5/11/93 2:23PM (615 bytes: 9 ln)
Priority: Urgent
To: Paula J Davis at ~DOE13
Receipt Requested
cc: Robert M Hiegel
Subject: Concurrence on Letter 93-RPS-208 (MILESTONE M-17-04D)

----- Message Contents -----

PAULA,

Wayne J Evelo Jr. and Robert M. Hiegel concur on letter
93-RPS-208 "Completion of Interim Milestone M-17-04D,
Statement of Dispute", from Steve H. Wisness to G.C. Hofer
and R.F. Stanley.

If you have any questions please feel free to contact either
R.M. Hiegel or W.J. Evelo.

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CORRESPONDENCE DISTRIBUTION COVERSHEET

Author

Addressee

Correspondence No.

S. H. Wisness, RL

G. C. Hofer, EPA
R. Stanley, Ecology

Incoming: 9303936

Subject: COMPLETION OF INTERIM MILESTONE M-17-⁰~~14~~D, STATEMENT OF DISPUTE

INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	A3-01	X
		Presidents Office		
		L. D. Arnold	B2-35	X
		B. A. Austin	B2-35	X
		P. A. Baynes	B1-58	X
		D. M. Bogen	S6-65	X
		L. E. Borneman	B2-35	X
		W. W. Bowen	S6-65	
		A. J. Diliberto	R1-46	X
		K. A. Hadley	R3-56	X
		D. L. Halgren	S6-70	
		D. E. Kelley	R1-46	X
		J. R. Kelly	R3-28	
		P. J. Mackey	B3-15	X
		H. E. McGuire, Level 1	B3-63	
		S. Moreno	B3-06	
		R. W. Oldham	H6-25	X
		K. A. Peterson	H6-21	X
		L. L. Powers	L4-96	X
		T. B. Veneziano, Assignee	L4-96	X
		EDMC	H6-08	X
		TPA File (M-17)	B2-35	



CORRESPONDENCE DISTRIBUTION COVERSHEET

*Reissue

Author

Addressee

Correspondence No.

S. H. Wisness, RL

G. C. Hofer, EPA
R. Stanley, Ecology

Incoming: 9303936

Subject: COMPLETION OF INTERIM MILESTONE M-17-14D, STATEMENT OF DISPUTE

INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	A3-01	X
		Presidents Office		
		L. D. Arnold	B2-35	X
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		P. A. Baynes	B1-58	X
		D. M. Bogen	S6-65	X
		L. E. Borneman	B2-35	X
		W. W. Bowen	S6-65	
		A. J. Diliberto	R1-46	X
		K. A. Hadley	R3-56	X
		D. L. Halgren	S6-70	
		D. E. Kelley	R1-46	X
		J. R. Kelly	R3-28	
		P. J. Mackey	B3-15	X
		H. E. McGuire	B3-63	
		S. Moreno	B3-06	
		R. W. Oldham	H6-25	X
		K. A. Peterson	H6-21	X
		L. L. Powers	L4-96	X
		T. B. Veneziano	L4-96	X
		EDMC	H6-08	X
		TPA File (M-17)	B2-35	
Additional Distribution:		R. J. Bliss (Level I/Assignee)		X
		D. B. Cartmell	R3-56	X
		C. A. Jensen		X
		Program Support Center (2)	A2-18	X



*Reissue on 5/21/93 to show RJ Bliss as the correct Assignee. (Per Veneziano's office).
Letter only, except letter/enc to additional distribution.